THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.7749 of 1998

Dated: 20.06.2007

Between:

K.Neeraja
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… Petitioner

AND

The State of A.P., rep by
Prl.Secretary, Education Department, Hyderabad,

And others

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.7749 of 1998

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of respondents in not according approval to the appointment of petitioner as Lecturer in Hindi in respondent No.3 college with effect from 13.7.1994, the date of her appointment and for a consequential direction to accord approval of her appointment with effect from 13.7.1994.

The facts in brief are that the petitioner appeared for interview held by respondent No.3 - college on 9.7.1994 for the post of Lecturer in Hindi and consequent on her selection she was given an appointment order on 11.7.1994. She reported to duty in the afternoon on 13.7.1994. On 15.7.1994 respondent No.3 sent a communication to respondent No.2 seeking approval of the selection of the petitioner. The 2nd respondent vide his proceedings in Rc.No.4054/PCI/94 dated 2.5.1995 approved the appointment of petitioner from the date of issue of the said proceedings, i.e., 02.5.1995. The 3rd respondent vide its letter dated 9.5.1995 requested the 2nd respondent for approving the appointment of the petitioner from 13.7.1994 the date of her

appointment, however the 2nd respondent rejected the same vide proceedings in Rc.No.4054/PCI-1/94 dated 18.9.1995. Feeling aggrieved by the denial of benefit of service from the date of appointment, i.e., 11.7.1994, the petitioner filed this writ petition.

Heard Sri A.Venkataramana, learned counsel for the petitioner and learned Assistant Government Pleader for Higher Education and perused the record.

The order of appointment dated 11.7.1994 shows that the petitioner's appointment is subject to the approval of the Government, which necessarily means that the petitioner is entitled to all the service benefits only from the date of the approval given by the competent authority. No rule or regulation is brought to my notice whereunder the petitioner has a right to claim the approval from the date of the appointment by the aided college, namely; the 3rd respondent. Therefore, I am of the considered opinion that the petitioner's claim for service benefits with effect from the date of first appointment, disregarding the date of approval of her appointment cannot be accepted.

Moreover the proceedings dated 18.9.1995 by which the 2nd respondent rejected her claim is not questioned in this writ petition. Unless the said rejection order is set aside the petitioner is not entitled to any relief. This apart the petitioner approached this Court more than 2 ½ years after the rejection of her claim by respondent No.2 and no plausible explanation is offered for such enormous delay in filing the writ petition. This writ petition therefore suffers from laches as well.

For the aforementioned reasons the writ petition is

dismissed. No order as to costs.

C.V.NAGARJUNA REDDY,J

Dt :20.06.2007
Mdaa.